



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 8, 2024

VIA ECF

Hon. Robyn F. Tarnofsky
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Molyneux*, No. 22 Civ. 10654 (JGLC) (RFT)

Dear Judge Tarnofsky:

This Office represents plaintiff the United States of America (the “Government”) in the above-referenced lawsuit against *pro se* defendant Pilar Molyneux (“Defendant”), who resides in France, to collect unpaid civil penalties for her willful failure to report her financial interest in foreign bank accounts (“FBARs”) in calendar years 2014 and 2015, as required by 31 U.S.C. § 5314 and implementing regulations.

I write respectfully to request that the remote settlement conference currently scheduled for March 18, 2024, at 10:00 am (ECF No. 23), be adjourned to May 6, 2024,¹ at a time that accounts for the six-hour time difference between New York and France—that is, earlier in the day. I further request that the parties’ obligation to submit *ex parte* settlement positions be extended from March 11, 2024, *id.*, to one week before the rescheduled conference. This is the Government’s third request for an adjournment of the settlement conference. Defendant consents to this request.

The adjournment is requested because the Government does not yet have settlement authority from officials within the Internal Revenue Service and the Tax Division of the Department of Justice, and therefore cannot respond to Defendant’s settlement proposal or engage in further monetary settlement discussions. Although the specific reasons why the Government needs more time to obtain settlement authority are privileged, the Government can provide those reasons to the Court in an *ex parte* submission if the Court believes this would help it to decide whether to grant the instant request. As previously explained, the Government must receive settlement authority before it can engage in substantive settlement discussions and appear at a settlement conference. We anticipate that the settlement authority should be received within the next several weeks.

¹ The Government is aware that Section V.M of the Court’s Individual Practices requires the parties to submit three proposed dates, but as of today, I have received confirmation of Defendant’s availability for only one date, May 6, 2024.

We thank the Court for its consideration of this request.

Sincerely,

DAMIAN WILLIAMS
United States Attorney

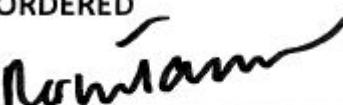
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cc: Nora Newton Muller, Esq. (via electronic mail)

The parties' request to adjourn the settlement conference scheduled for March 18, 2024 is **GRANTED**. The settlement conference is rescheduled to **May 6, 2024 at 10 AM** to be held through video conference. The Courtroom Deputy will email the conference details. The parties are instructed to complete the Ex Parte Settlement Conference Summary Report and prepare pre-conference submissions in accordance with my Individual Rules of Practice. Pre-conference submissions must be received no later than **April 29 at 5 PM**.

A pre-settlement telephone conference with the Government is also scheduled for **March 18, 2024 at 12 PM** to discuss the lack of settlement authority. The Courtroom Deputy will email the conference details.

Date: 3/14/2024
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE